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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CHOSEN FIGURE LLC,

Plaintiff,

v.

STEED MEDIA GROUP, INC.  
dba ROLLING OUT,

Defendant.

Case No:

**COMPLAINT**

DEMAND FOR JURY TRIAL

Plaintiff Chosen Figure LLC (“*Plaintiff*”), by and through its undersigned counsel, for its Complaint against Defendant Steed Media Group, Inc. dba Rolling Out (“*Defendant*”) hereinafter Steed, states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement.

2. Plaintiff herein creates photographic images and owns the rights to these photographs which Plaintiff licenses for various uses including online and print publications.

3. Defendant owns and operates a website known as rollingout.com (the “*Website*”).

4. Defendant, without permission or authorization from Plaintiff actively copied, stored, and/or displayed Plaintiff's photographs on the Website

1 and engaged in this misconduct knowingly and in violation of the United States  
2 copyright laws.

3  
4 **PARTIES**

5 5. Plaintiff Chosen Figure LLC is a Georgia limited liability company  
6 and maintains a principal place of business in Gwinnett County, Georgia.

7  
8 6. Upon information and belief, Defendant Steed Media Group, Inc., is  
9 a Georgia Corporation with a principal place of business at PO Box 4479, Atlanta  
10 in Fulton County, Georgia and is liable and responsible to Plaintiff based on the  
11 facts herein alleged.

12  
13 **JURISDICTION AND VENUE**

14  
15 7. This Court has subject matter jurisdiction over the federal copyright  
16 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

17 8. This Court has personal jurisdiction over Steed Media Group, Inc.  
18 because it maintains its principal place of business in Georgia.

19  
20 9. Venue is proper under 28 U.S.C. §1391(a)(2) because Steed Media  
21 Group, Inc. does business in this Judicial District and/or because a substantial part  
22 of the events or omissions giving rise to the claim occurred in this Judicial District.

23  
24 **FACTS COMMON TO ALL CLAIMS**

25 10. Plaintiff is a professional photographer by trade who is the legal and  
26 rightful owners of photographs which it licenses to online and print publications.  
27  
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1           11. Plaintiff has invested significant time and money in building  
2 Plaintiff's photograph portfolio.  
3

4           12. Plaintiff has obtained active and valid copyright registrations from  
5 the United States Copyright Office (the "*USCO*") which cover many of Plaintiff's  
6 photographs while many others are the subject of pending copyright applications.  
7

8           13. Plaintiff's photographs are original, creative works in which Plaintiff  
9 owns protectable copyright interests.  
10

11           14. Steed Media Group, Inc. is the registered owner of the Website and  
12 is responsible for its content.

13           15. Steed Media Group, Inc. is the operator of the Website and is  
14 responsible for its content.  
15

16           16. The Website is a popular and lucrative commercial enterprise.

17           17. The Website is monetized in that it contains paid advertisements and,  
18 upon information and belief, Defendant profits from these activities.  
19

20           18. The Website is monetized in that it sells merchandise to the public  
21 and, upon information and belief, Defendant profits from these activities.  
22

23           19. On June 29, 2021, Plaintiff authored a photograph of A\$AP Rocky  
24 smoking a cigarette ("Photograph 1"). A copy of Photograph 1 is attached hereto  
25 collectively as Exhibit 1.

26           20. Plaintiff applied to the USCO to register Photograph 1 on or about  
27  
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September 10, 2021 under Application No. 1-10833108727.

21. Photograph 1 was registered by the USCO on September 10, 2021 under Registration No. VA 2-268-934.

22. On May 10, 2022, Plaintiff first observed Photograph 1 on the Website in a story dated July 10, 2021 (the “*Story*”). A copy of the screengrab of the Website including Photograph 1 is attached hereto collectively as Exhibit 2.

23. The Story was displayed at URL: <https://rollingout.com/2021/07/10/aap-rocky-brings-his-fashion-swag-to-pacsun-with-new-collaborations/>.

24. The Photograph was stored at URL: <https://i0.wp.com/rollingout.com/wp-content/uploads/2021/07/asap-2.png?resize=960%2C591&ssl=1>.

25. On June 29, 2021, Plaintiff authored a photograph of A\$AP Rocky sitting on steps (“Photograph 2”). A copy of Photograph 2 is attached hereto collectively as Exhibit 1.

26. Plaintiff applied to the USCO to register Photograph 2 on or about September 10, 2021 under Application No. 1-10833108727.

27. Photograph 2 was registered by the USCO on September 10, 2021 under Registration No. VA 2-268-934.

28. On May 10, 2022, Plaintiff first observed Photograph 2 on the

1 Website in the Story. A copy of the screengrab of the Website including  
2 Photograph 2 is attached hereto collectively as Exhibit  
3

4 29. Plaintiff, though counsel, attempted to contact Defendant via email  
5 on 7/11/23 and via mail and email on 7/21/23 regarding this claim, but did not  
6 receive a response from Defendant.  
7

8 30. The Photograph was stored at URL:  
9 [https://i0.wp.com/rollingout.com/wp-content/uploads/2021/07/asap-](https://i0.wp.com/rollingout.com/wp-content/uploads/2021/07/asap-2.png?resize=960%2C591&ssl=1)  
10 [2.png?resize=960%2C591&ssl=1.](https://i0.wp.com/rollingout.com/wp-content/uploads/2021/07/asap-2.png?resize=960%2C591&ssl=1)  
11

12 31. Without permission or authorization from Plaintiff, Defendant  
13 volitionally selected, copied, stored and displayed each of Plaintiff copyright  
14 protected photographs (hereinafter collectively referred to as “*Photographs*”) as  
15 are set forth in Exhibit “1” on the Website.  
16

17 32. Upon information and belief, the Photographs were copied, stored  
18 and displayed without license or permission, thereby infringing on Plaintiff's  
19 copyrights (hereinafter singularly the “*Infringement*” and collectively the  
20 “*Infringements*”).  
21

22 33. Each Infringement includes a URL (“*Uniform Resource Locator*”)  
23 for a fixed tangible medium of expression that was sufficiently permanent or  
24 stable to permit it to be communicated for a period of more than transitory  
25 duration and therefore constitutes a specific infringement. *17 U.S.C. §106(5)*;  
26  
27  
28

1 *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1160 (9th Cir. 2007).

2 34. Each Infringement is an exact copy of the entirety of Plaintiff's  
3 original image that was directly copied and stored by Defendant on the Website.

4 35. Upon information and belief, Defendant takes an active and  
5 pervasive role in the content posted on its Website, including, but not limited to  
6 copying, posting, selecting, commenting on and/or displaying images including  
7 but not limited to Plaintiff's Photographs.

8 36. Upon information and belief, Defendant directly contributes to the  
9 content posted on the Website by, inter alia, directly employing reporters, authors  
10 and editors as its agents, including but not limited to Michael "Ice-blue" Harris  
11 whose LinkedIn page lists him as an "Entertainment Staff Writer" ("Employees").

12 37. Upon information and belief, at all material times the Employees  
13 were acting within the course and scope of their employment when they posted  
14 the Infringements.

15 38. Upon information and belief, at all material times the Employees  
16 were acting within the course and scope of their agency when they posted the  
17 Infringements.

18 39. Upon information and belief, the Photographs were willfully and  
19 volitionally posted to the Website by Defendant.

20 40. Upon information and belief, Defendant is not registered with the  
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1 United States Copyright Office pursuant to 17 U.S.C. §512.

2 41. Upon information and belief, Defendant engaged in the  
3 Infringements knowingly and in violation of applicable United States Copyright  
4 Laws.  
5

6 42. Upon information and belief, Defendant has the legal right and  
7 ability to control and limit the infringing activities on its Website and exercised  
8 and/or had the right and ability to exercise such right.  
9

10 43. Upon information and belief, Defendant monitors the content on its  
11 Website.  
12

13 44. Upon information and belief, Defendant has received a financial  
14 benefit directly attributable to the Infringements.  
15

16 45. Upon information and belief, the Infringements increased traffic to  
17 the Website and, in turn, caused Defendant to realize an increase in its advertising  
18 revenues and/or merchandise sales.  
19

20 46. Upon information and belief, a large number of people have viewed  
21 the unlawful copies of the Photograph on the Website.  
22

23 47. Upon information and belief, Defendant at all times had the ability  
24 to stop the reproduction and display of Plaintiff's copyrighted material.  
25

26 48. Defendant's use of the Photographs, if widespread, would harm  
27 Plaintiff's potential market for the Photographs.  
28

1           49. As a result of Defendant's misconduct, Plaintiff has been  
2 substantially harmed.  
3

4                                   **FIRST COUNT**  
5                                   ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

6           50. Plaintiff repeats and incorporates by reference the allegations  
7 contained in the preceding paragraphs, as though set forth in full herein.  
8

9           51. The Photographs are original, creative works in which Plaintiff owns  
10 valid copyright properly registered with the United States Copyright Office.

11           52. Plaintiff has not licensed Defendant the right to use the Photographs  
12 in any manner, nor has Plaintiff assigned any of its exclusive rights in the  
13 Copyrights to Defendant.  
14

15           53. Without permission or authorization from Plaintiff and in willful  
16 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
17 illegally copied, stored, reproduced, distributed, adapted, and/or publicly  
18 displayed works copyrighted by Plaintiff thereby violating one of Plaintiff's  
19 exclusive rights in its copyrights.  
20  
21

22           54. Defendant's reproduction of the Photographs and display of the  
23 Photographs on the Website constitutes willful copyright infringement. *Feist*  
24 *Publications, Inc. v. Rural Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).  
25

26           55. As a result of Defendant's violations of Title 17 of the U.S. Code,  
27 Plaintiff is entitled to an award of actual damages and disgorgement of all of  
28

1 Defendant's profits attributable to the infringements as provided by 17 U.S.C. §  
2 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an  
3 award for statutory damages against Defendant for each infringement pursuant to  
4 17 U.S.C. § 504(c).

5  
6 56. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
7 the court in its discretion may allow the recovery of full costs as well as reasonable  
8 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

9  
10 57. As a result of Defendant's violations of Title 17 of the U.S. Code,  
11 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of his  
12 copyright pursuant to 17 U.S.C. § 502.

13  
14 **JURY DEMAND**

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16 58. Plaintiff hereby demands a trial of this action by jury.

17 **PRAYER FOR RELIEF**

18  
19 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

20 That the Court enters a judgment finding that Defendant has infringed upon  
21 Plaintiff's rights to the Photographs in violation of 17 U.S.C. §501 et seq. and  
22 award damages and monetary relief as follows:

- 23  
24 a. finding that Defendant infringed upon Plaintiff's copyright  
25 interest in the Photograph by copying and displaying without  
26 a license or consent;  
27  
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- b. for an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- e. for pre-judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

DATED: August 21, 2023

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